## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL J. MITCHELL and TAMMITHA M. MITCHELL, husband and wife

**Plaintiffs** 

: CIVIL ACTION NO. 02-3652

POWERMATIC CORPORATION, a/k/a POWERMATIC, INC., JET EQUIPMENT & TOOLS, INC., and DEVLIEG-BULLARD, INC., a/k/a DEVLIEG BULLARD II, INC.

v.

: JURY TRIAL DEMANDED

Defendants

## **ORDER**

AND NOW, this \_\_\_\_\_day of , 2003, it is hereby ORDERED and DECREED that Plaintiffs' Motion for Sanctions is GRANTED, that the following allegations shall be taken as established in this litigation and that Defendant Powermatic Corporation is precluded from opposing them:

- Defendant Powermatic Corporation is merely a continuation of Powermatic Inc. 1. and thus subject to liability for harm caused by Powermatic Inc.'s Shaper, Model 27;
- 2. Defendant Powermatic Corporation undertook to conduct the same manufacturing operation of Powermatic Inc.'s Shaper, Model 27, product line in essentially an unchanged manner and is, therefore, subject to liability for harm it causes under the "product line" exception to corporate successor non liability;
- 3. The Powermatic Shaper, Model 27, was defective in its design and manufacture and such defects were the direct and proximate cause of Plaintiffs' injuries.

It is further ORDERED that Defendant Powermatic Corporation pay Plaintiffs reasonable costs, including attorney fees, in preparation and filing of their Motion pursuant to a statement of such costs to be prepared by Plaintiffs.


BY THE COURT,